

REMARKS

Claims 1-20, all the claims pending in the application, stand rejected on prior art grounds. Claims 1, 8, and 14 are amended herein. Applicants respectfully traverse these rejections based on the following discussion.

I. The Prior Art Rejections

Claims 1-4, 8-10 and 14-17 stand rejected under 35 U.S.C. §103(a) as being anticipated by Chin et al. (U.S. Publication No. 2002/0120561), hereinafter referred to as “Chin,” in view of Michael Fabey, (“Brazil Cracks Down,” in the Journal of Commerce, 1998), hereinafter referred to as “Fabey”. Claims 5-7, 11-13 and 18-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chin, and Fabey, in view of Turner et al. (Introduction to Industrial and Systems Engineering, 1993), hereinafter referred to as “Turner”. Applicants respectfully traverse these rejections based on the following discussion.

The claimed invention, as provided in amended independent claims 1, 8, and 14 contain features, which are patentably distinguishable from the prior art references of record.

Specifically, claims 1 and 14 recite, in part, “...compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices in a data processing system, wherein said statistical sample comprises a sampling size greater than a sampling size used in United States Customs Service audits, and wherein said sampling size equals exactly a total number of all supplier invoices compiled in said data processing system...” and claim 8 recites, in part, “...a sampling generator adapted to compile, in a data processing system, a daily input of supplier invoice data into a weekly statistical sample of supplier invoices, wherein said statistical sample

comprises a sampling size greater than a sampling size used in United States Customs Service audits, wherein said sampling size equals exactly a total number of all supplier invoices compiled in said data processing system, and wherein said data processing system is adapted to have a first value and a second value of imported goods being input therein....”

These features are neither taught nor suggested in Chin, alone, or in combination with Fabey and Turner. In fact, page 7 of the Office Action admits that neither Chin or Fabey teach these features. Moreover, a closer reading of Turner suggests that Turner provides an opposite teaching than the Applicants’ claimed invention. Pages 520-521 of Turner define a “population” and caution not to study the entire population due to its size, complexity, availability, or expense of studying it, and a such indicates that studying only a sample is desirable. Conversely, the Applicants’ claimed invention provides that the sampling size equals exactly a total number of all supplier invoices compiled in said data processing system. In other words, the Applicants’ claimed invention provides for consideration of the entire population rather than just a portion. Accordingly, the Applicants’ sample is the population, rather than merely a subset as explicitly taught in Turner. Accordingly, one of ordinary skill in the art, upon reading Turner, would not find it obvious to use the entire population size as its statistical sample given Turner’s strong admonition against it. Furthermore, if using the entire population is prohibitive in terms of one of the factors described in Turner (i.e., size, complexity, availability, or expense of studying it), then one of ordinary skill in the art would not be likely to implement such a feature in Chin’s or Fabey’s teachings. Nonetheless, the Applicants invention allows for use of the entire population in its solution. Therefore, Turner teaches away from the Applicants’ claimed invention, and as such, the Applicants’ claimed invention is patentable over the combination of Chin, Fabey, and

Turner.

Additionally, having a sampling size equal to exactly a total number of all supplier invoices compiled in the data processing system would be unobvious in Chin's or Fabey's system because Chin does not compile daily invoices into a weekly statistical sample. Rather, Chin merely links invoices to an account-based database by establishing user parameters and linking them to customs information. In Chin there is no need to have a sampling size equal to exactly a total number of all supplier invoices because Chin does not contemplate an auditing process. Rather, Chin merely allows for the building of an on-line database of customs related information. There is no selective checking in Chin to determine whether the values in the invoices match (as admitted on page 3 of the Office Action), hence there is no reason why one of ordinary skill in the art would manipulate Chin to allow for such a feature given that this feature would not provide any additional information/conclusion for Chin's database. Moreover, Fabey does not compile daily invoices into a weekly statistical sample. Rather, Fabey merely rotates customs officers among different warehouses to avoid having brokers undervalue goods listed on invoices. Accordingly, there is no need in Fabey to have a sampling size equal to exactly a total number of all supplier invoices because the goal in Fabey is fundamentally different from the Applicants' claimed invention.

In view of the foregoing, the Applicants respectfully submit that the collective cited prior art do not teach or suggest the features defined by amended independent claims 1, 8, and 14 and as such, claims 1, 8, and 14 are patentable over Chin, alone, or in combination with Fabey and Turner. Further, dependent claims 2-7, 9-13, and 15-20 are similarly patentable over Chin, alone, or in combination with Fabey and Turner, not only by virtue of their dependency from

patentable independent claims, respectively, but also by virtue of the additional features of the invention they define. Thus, the Applicants respectfully request that these rejections be reconsidered and withdrawn. Moreover, the Applicants note that all claims are properly supported in the specification and accompanying drawings. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. Formal Matters and Conclusion

With respect to the rejections to the claims, the claims have been amended, above, to overcome these rejections. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 1-20, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

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